

Rules Amending Title 4
Hawaii Administrative Rules

1. Chapter 69A of Title 4, Hawaii Administrative Rules, entitled "Pests for Control or Eradication" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 6 DIVISION OF PLANT INDUSTRY

CHAPTER 69A

PESTS FOR CONTROL OR ERADICATION

§4-69A-1 Scope of rules

§4-69A-2 Definitions

§4-69A-3 Criteria to designate pests for control or eradication

§4-69A-4 Procedure for the designation of pests for control or eradication

§4-69A-5 Control or eradication of noxious weeds; entry of private property

Historical Note: Prior rules relating to pest control were adopted under §141-2, Hawaii Revised Statutes, as chapter 69, Hawaii Administrative Rules, and were repealed on the effective date of this chapter. (Eff. 7/13/81, R 9/4/93)

§4-69A-1 Scope of rules. These rules shall govern the criteria and procedures for designation of pests for control or eradication programs on public or private property other than dwellings in the State. (Eff. 9/4/93; comp) (Auth: HRS §141-3)
(Imp: HRS §141-3)

§4-69A-2 Definitions. As used in this chapter:
["Agricultural Industry"] "Agricultural industry" means agricultural, horticultural, aquacultural, or livestock industry.

"Board" means the board of agriculture.

"Head" means the head of the division of plant

industry.

"Livestock" means farm animals kept for use or profit and includes but is not limited to horses, mules, cattle, sheep, goats, swine, and poultry.

"Noxious weeds" means those plant species determined to be or likely to become injurious, harmful, or deleterious to the agricultural industry, forest and recreational areas, and conservation districts of the State and which are designated and listed as noxious weeds in chapter 4-68[.], Hawaii Administrative Rules.

"Other pests" means any invertebrate or vertebrate pest harmful to the agricultural industry or vegetation of value, as designated by the board.

"Vegetation of value" means vegetation such as desirable trees, plants, and shrubs. (Eff. 9/4/93; am and comp) (Auth: HRS §141-3) (Imp: HRS §141-3)

§4-69A-3 Criteria to designate pests for control or eradication. (a) Each insect, mite, other pest or plant disease designated by the department as a pest for control or eradication programs shall meet one or more of the following criteria:

- (1) There is a record of economic damage in the scientific literature documenting the designated pest's potential for injury to the agricultural industries or vegetation of value in the State.
- (2) The designated pest is causing or is about to cause economic loss by damage to a crop or agricultural commodity, by adversely affecting marketability, causing a loss in yield, or the like.
- (3) The designated pest transmits plant diseases which cause economic loss to a crop or agricultural commodity, by adversely affecting marketability, causing a loss in yield, or the like.
- (4) The designated pest is injurious or deleterious to livestock by virtue of being venomous, parasitic, or a carrier or reservoir of diseases.

(b) All noxious weeds designated pursuant to chapter 4-68, Hawaii Administrative Rules, are pests for control or eradication within the meaning of this chapter. (Eff. 9/4/93; am and comp) (Auth: HRS §141-3) (Imp: HRS §141-3)

§4-69A-4 Procedure for the designation of pests

for control or eradication. (a) The head shall direct a continuous program of study and evaluation of insects, mites, other pests, or plant diseases for potential designation as pests.

(b) Study and evaluation of an insect, mite, other pest or plant disease for designation as a pest may be initiated by the head or, upon request, by other government agencies or private organizations.

(c) When sufficient data have been accumulated on an insect, mite, other pest, or plant disease to warrant designation, the head may submit to the board a request for designation as a pest for control or eradication.

(d) The insect, mite, other pest, or plant disease shall meet the criteria for designation as a pest, as provided in section 4-69A-3.

(e) An insect, mite, other pest, or plant disease shall be designated as a pest for control or eradication by the department following approval of the designation by the board, pursuant to chapter 91[.], Hawaii Revised Statutes.

(f) The list of insects, mites, other pests, or plant diseases designated as pests, adopted by the board on [May 27, 1993,] _____, and located at the end of this chapter, is made a part of this section.

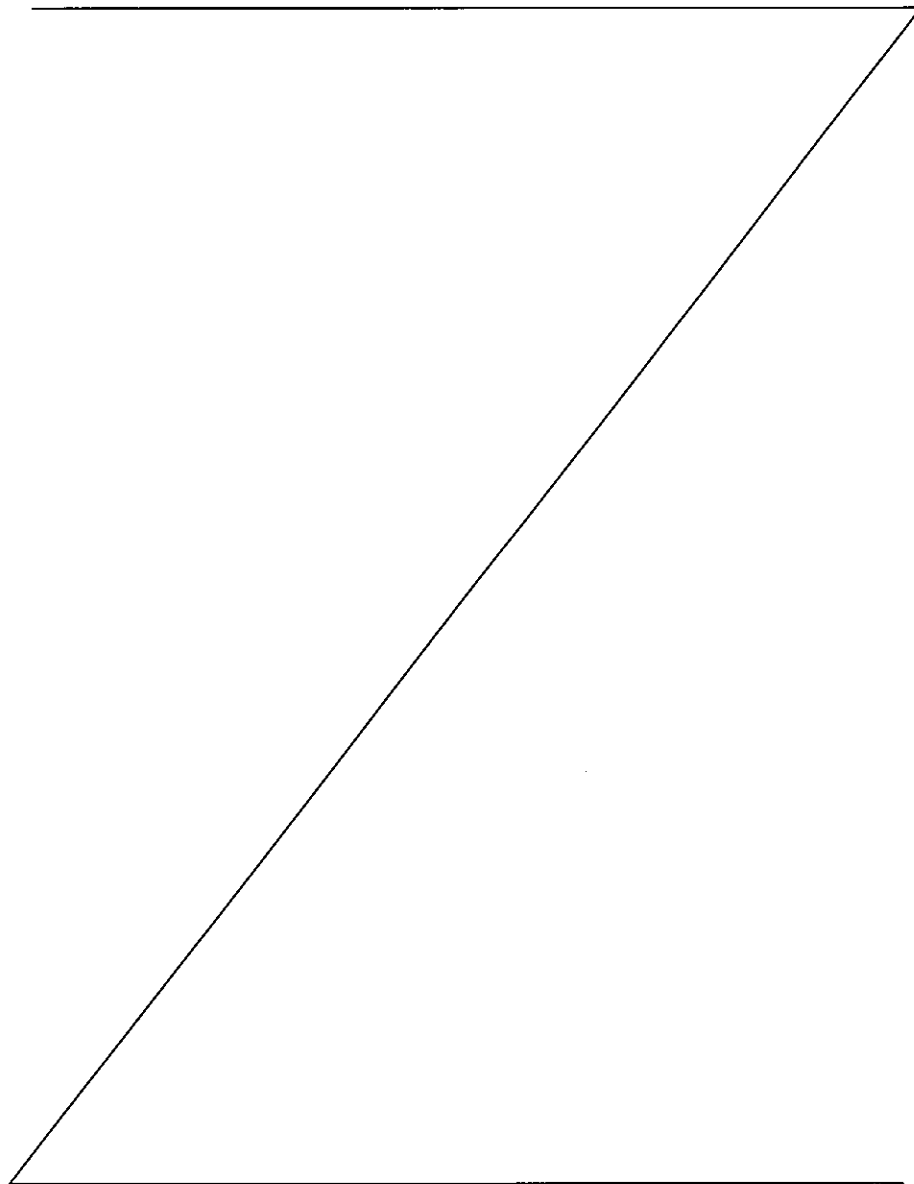
(g) When the head determines that an insect, mite, other pest, or plant disease officially designated as a pest no longer meets the criteria for designation as a pest, the head may submit to the board a request to rescind the official designation for the pest. The request shall include a report with reasons to justify rescission of the designation.

(h) For rescission as submitted as outlined in subsection (g) above, the official designation of an insect, mite, other pest, or plant disease as a pest shall be rescinded following approval by the board, pursuant to chapter 91[.], Hawaii Revised Statutes. [Hawaii Revised Statutes.](Eff. 9/4/93; am and comp) (Auth: HRS §141-3) (Imp:HRS §141-3)

§4-69A-5 Control or eradication of noxious weeds; entry of private property. To the extent there may be any conflict between this chapter and chapter 4-68, Hawaii Administrative Rules, control and eradication programs for noxious weeds shall be governed by section 152-6, Hawaii Revised Statutes, and chapter 4-68. However, if after following the procedures provided therein, entry to private property other than dwelling places for control or eradication of noxious weed infestations is refused, any member of the department or any agent authorized by the

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department may gain entry in the same manner as provided in section 141-3.6, Hawaii Revised Statutes, for maintenance of any pest control or eradication program." (Eff. 9/14/93; am and comp) (Auth: HRS §141-3) (Imp: HRS §141-3, §141-3.6, §152-6)



[May 27, 1993] _____

§4-69A-4(f)

List of Insects, Mites, Other Pests, and Plant Diseases
Designated as Pests
for Control or Eradication Purposes by the
Hawaii Department of Agriculture

[May 27, 1993] _____

[INSECTS] INSECTS

<u>Scientific Name</u>	<u>Common Name</u>
<u>Adoretus sinicus</u>	Chinese rose beetle
<u>Anastrepha</u> spp.	an exotic fruit fly species
<u>Aleurocanthus woglumi</u>	citrus blackfly
<u>Anoplolepis longipes</u>	longlegged ant
<u>Aphis gossypii</u>	cotton/melon aphid
<u>Apis mellifera</u>	honey bee
<u>Aspidiella hartii</u>	turmeric scale
<u>Bactrocera correctus</u>	guava fruit fly
<u>Bactrocera cucurbitae</u>	melon fly
<u>Bactrocera dorsalis</u>	oriental fruit fly
<u>Bactrocera latifrons</u>	solanaceous fruit fly
<u>Bactrocera tryoni</u>	Queensland fruit fly
<u>Bemisia tabaci</u>	sweetpotato whitefly
<u>Ceratitis capitata</u>	Mediterranean fruit fly
<u>Cosmopolites sordidus</u>	banana root borer
<u>Coccus viridis</u>	green scale

<u>Cryptophlebia illepida</u>	koa seedworm
<u>Cryptophlebia ombrodelta</u>	litchi fruit moth
<u>Darna pallivitta</u>	<u>nettle caterpillar</u>
<u>Delia radicum</u>	cabbage maggot
<u>Diatraea saccharalis</u>	sugarcane borer
<u>Dysmicoccus alazon</u>	a mealybug
<u>Dysmicoccus brevipes</u>	pineapple mealybug
<u>Elasmopalpus lignosellus</u>	lesser cornstalk borer
<u>Frankliniella occidentalis</u>	western flower thrips
<u>Heteropsylla cubana</u>	leucaena psyllid
<u>Hypothenemus hampei</u>	coffee berry borer
<u>Hypothenemus obscurus</u>	tropical nut borer
<u>Keiferia lycopersicella</u>	tomato pinworm
<u>Liriomyza spp</u>	agromyzid leafminers
<u>Metamasius callizona</u>	bromeliad weevil
<u>Monolepta australis</u>	redshouldered leaf beetle
<u>Myndus crudus</u>	American palm cixiid
<u>Myzus persicae</u>	green peach aphid
<u>Nezara viridula</u>	southern green stink bug
<u>Oryctes rhinoceros</u>	coconut rhinoceros beetle
<u>Ostrinia nubilalis</u>	European corn borer
<u>Pentalonia nigronervosa</u>	banana aphid
<u>Pheidole megacephala</u>	bigheaded ant
<u>Phoracantha semipunctata</u>	eucalyptus longhorned beetle
<u>Plutella xylostella</u>	diamondback moth

<u>Pogonomyrmex</u> spp.	harvester ants
<u>Popillia japonica</u>	Japanese beetle
<u>Pseudonirvana rufofascia</u>	two-spotted leafhopper
<u>Sipha flava</u>	yellow sugarcane aphid
<u>Solenopsis invicta</u>	red imported fire ant
<u>Thrips palmi</u>	melon thrips
<u>Toxotrypana curvicauda</u>	papaya fruit fly
<u>Trialeurodes vaporariorum</u>	greenhouse whitefly
<u>Vespula pensylvanica</u>	western yellowjacket
<u>Wasmannia auropunctata</u>	<u>little fire ant</u>
<u>Xylosandrus compactus</u>	black twig borer

[MITES] MITES

<u>Scientific Name</u>	<u>Common Name</u>
<u>Acarapis woodi</u>	honey bee tracheal mite
<u>Polyphagotarsonemus latus</u>	broad mite
<u>Tetranychus cinnabarinus</u>	carmine spider mite
<u>Varroa jacobsoni</u>	varroa mite

[OTHER PESTS] OTHER PESTS

<u>Scientific Name</u>	<u>Common Name</u>
<u>Coenobita clypeatus</u>	land hermit crab
<u>Corbicula fluminea</u>	freshwater clam
<u>Dreissena polymorpha</u>	zebra mussel
<u>Eleutherodactylus coqui</u>	<u>coqui frog</u>
<u>Helix aspersa</u>	brown garden snail

<u>Megalabulimus oblongus</u>	giant South American snail
<u>Pomacea canaliculata</u>	apple snail
<u>Theba pisana</u>	white garden snail

[PLANT DISEASES]

<u>[Common Name</u>	<u>Causal Organism</u>
Bacterial wilt of heliconia	<u>Pseudomonas solanacearum</u> . (banana, Strain D)
Banana bunchy top disease	Banana bunchy top virus
Black Sigatoka of banana	<u>Mycosphaerella fijiensis</u> var. <u>difformis</u>
Cadang cadang disease of coconuts	A viroid
Citrus canker or bacterial canker of citrus	<u>Xanthomonas campestris</u> p.v. <u>citri</u>
Coffee berry disease	<u>Colletotrichum coffeanum</u>
Coffee rust	<u>Hemileia vastatrix</u>
Downy mildew(s) of corn	<u>Peronosclerospora maydis</u> <u>Peronosclerospora philippinensis</u> <u>Peronosclerospora sacchari</u> <u>Peronosclerospora sorghi</u> <u>Sclerophthora macrospora</u> <u>Sclerophthora rayssiae</u> var. <u>zeae</u> <u>Sclerospora graminicola</u>
Fusarium wilt of banana	<u>Fusarium oxysporum</u> Panama disease) f.sp. <u>cubense</u>

Koa disease	<u>Fusarium oxysporum f.sp. koae</u>
Lethal yellowing of coconuts	A mycoplasma-like organism
Maize chlorotic mottle disease	Maize chlorotic mottle virus
Moko disease of banana	<u>Pseudomonas solanacearum</u> Race 2 (banana, Strain B)
Orchid rust diseases	<u>Coleosporium bletiae</u> <u>Sphenospora kevorkianii</u> <u>Sphenospora mera</u> <u>Sphenospora saphena</u> <u>Uredo behnickiana</u> <u>Uredo nigropuncta</u>
Papaya ringspot virus	A virus]

PLANT DISEASES

<u>Causal Organism</u>	<u>Common Name</u>
<u>Pseudomonas solanacearum</u> (banana, Strain D)	<u>Bacterial wilt of heliconia</u>
<u>Banana bunchy top virus</u>	<u>Banana bunchy top disease</u>
<u>Mycosphaerella fijiensis</u> var. <u>difformis</u>	<u>Black Sigatoka of banana</u>
<u>A viroid</u>	<u>Cadang cadang disease of coconuts</u>
<u>Xanthomonas campestris p.v. citri</u>	<u>Citrus canker or bacterial canker of citrus</u>
<u>Colletotrichum coffeanum</u>	<u>Coffee berry disease</u>

<u>Peronosclerospora maydis</u>	<u>Downy mildew(s) of corn</u>
<u>Peronosclerospora philippinensis</u>	
<u>Peronosclerospora sacchari</u>	
<u>Peronosclerospora sorghi</u>	
<u>Sclerophthora macrospora</u>	
<u>Sclerophthora rayssiae var. zeae</u>	
<u>Sclerospora graminicola</u>	
<u>Fusarium oxysporum Panama disease) f.sp. cubense</u>	<u>Fusarium wilt of banana</u>
<u>Fusarium oxysporum f.sp. koae</u>	<u>Koa disease</u>
<u>A mycoplasma-like organism</u>	<u>Lethal yellowing of coconuts</u>
<u>Maize chlorotic mottle virus</u>	<u>Maize chlorotic mottle disease</u>
<u>Pseudomonas solanacearum Race 2 (banana, Strain B)</u>	<u>Moko disease of banana</u>
<u>Coleosporium bletiae</u>	<u>Orchid rust diseases</u>
<u>Sphenospora kevorkianii</u>	
<u>Sphenospora mera</u>	
<u>Sphenospora saphena</u>	
<u>Uredo behnickiana</u>	
<u>Uredo nigropuncta</u>	
<u>A virus</u>	<u>Papaya ringspot virus</u>

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 4-69A, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

Chairperson, Board of Agriculture

APPROVED AS TO FORM:

Deputy Attorney General